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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT TACOMA

11 SHIRLEY CRAFT,

12                  Plaintiff,

13                  v.

14 JONATHAN PARSONS and ROSIE  
15 PARSONS, and their marital community; 1<sup>st</sup>  
16 OPTION FINANCE LLC; RICHARD  
17 MAYFIELD and VICKI ANN MAYFIELD,  
18 and their marital community; F.F.R.  
19 ENTERPRIZE LLC; DAVID ALLEN  
20 WALDEN and JANE DOE WALDEN and  
their marital community; WALDEN  
MORTGAGE, LLC; JOHN TOLLER and  
JANE DOE TOLLER and their marital  
community; and DOE DEFENDANTS 1  
through 10 inclusive,

21                  Defendants.

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23 CASE NO. 07-5652 KLS

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25 ORDER DENYING SETTLEMENT  
CONFERENCE IN LIEU OF 39.1  
MEDIATION

26                  This matter comes before the Court on stipulation of counsel seeking an early settlement  
27 conference with Chief Magistrate Judge J. Kelley Arnold in lieu of holding the 39.1 Mediation as  
28 required in this Court's scheduling order. (Dkt. #57).

29                  The reason provided the Court as to why a Magistrate Judge should conduct the settlement  
30 conference is as follows: "Plaintiff and Counsel for the Defendants have each reviewed the Court's  
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1 roster of 39.1 mediators and, because of conflicts or otherwise, are unable to identify a mediator that is  
2 satisfactory to all of the Parties.”

The undersigned notes that the list of 39.1 mediators for the Western District of Washington contains 185 attorneys and retired judges. The undersigned also finds it difficult to accept the argument that all of the people who are willing to serve as 39.1 mediators are unsatisfactory to all the parties. The parties are directed to try again. If counsel are unable to agree, then each separately represented party may submit a list of two names to the undersigned and the Court will advise counsel who they must contact for conducting the mediation. This needs to be done timely and in accordance with the Scheduling Order. The motion is DENIED.

10 DATED this 27<sup>TH</sup> day of August, 2008.

/s/ Karen L. Strombom  
Karen L. Strombom  
U.S. Magistrate Judge